

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marc S. Weiner on February 25, 2008.

Amendment to the Specification:

On the first page, insert the following heading before the first paragraph of disclosure: --- FIELD OF THE INVENTION ----.

On page 1, insert the following heading before the paragraph bridging pages 1-2: --- BACKGROUND OF THE INVENTION -----.

On page 4, insert the following heading before the paragraph bridging pages 4-5: ---- SUMMERY OF THE INVENTION ----.

On page 6, insert the following heading between the first and second lines of text – that is , after” The invention is described in detail on the basis of an example and drawing.” and before “ In the drawing”: ---- BRIEF DESCRIPTION OF THE DRAWINGS ---.

On page 6, insert the following heading before the last paragraph: ---- DETAILED DESCRIPTION OF THE INVENTION -----.

***Allowable Subject Matter***

2. Claims 8-14 are allowed.

3. The following is an examiner's statement of reasons for allowance: The prior art taken either singularly or in a combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims 8,9,and 10 , which include a process for examining the visual function of the eye having measuring the time needed for the recovery of the visual function before the illumination and determing the visual function of the eye on the basis of detecting the phenomenon of optokinetic nystagmus and measuring the time needed for recovery of the visual function before the illumination by measuring critical fusion frequency (CFF) (claims 8 and 9); and a measuring unit electrically connected to the test unit and the measuring unit contains a nystagometer sensing the movement of the eye and a display unit and time measuring unit connected to the test unit (claim 10).

Art Unit: 2873

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Drawings***

5. The drawings are objected to because some of the figures shadow and hand written numeral numbers. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 2873

***Conclusion***


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L Mack can be reached on (571) 272- 2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammed Hasan/  
Primary Examiner, Art Unit 2873  
2/25/2008

Art Unit: 2873

<b><i>Application Number</i></b> 	<b>Application/Control No.</b>	<b>Applicant(s)/Patent under Reexamination</b>	
	10/561,434	FEHER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mohammed Hasan	2873	